

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Paul S. Keim *et al.*  
Application No. : 10/531,159  
Title : *MOLECULAR SIGNATURES AND ASSAY FOR  
FLUOROQUINOLINE RESISTANCE IN BACILLUS ANTHRACIS*  
Examiner : To be assigned  
Art Unit : To be assigned

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PETITION TO CORRECT A FILING DATE  
PURSUANT TO 37 C.F.R. § 1.10(d)

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**MS Petition**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

Dear Sir:

Applicants hereby petition the Commissioner for Patents under 37 C.F.R. 1.10(d) to correct the filing date accorded to U.S. patent application number 10/531,159, filed by Keim et

06/16/2005 00000087 170055 10531159  
01 FC:1464 130.00 DA

On April 11, 2005, Applicants filed by Express Mail a U.S. patent application as a nationalization of PCT patent application PCT/US2003/032887, filed October 14, 2003, which claimed priority of U.S. provisional application number 60/417,843, filed October 11, 2002. The US provisional application is believed to have continuous pendency with the PCT application because October 11, 2003, fell on Saturday and the next regular business day for the USPTO was October 14, 2003. The Certificate of Mailing for the US patent application bearing Express Mail No. EV667329735US and executed on April 11, 2005, and accompanying transmittal documents addressed to the United States Receiving Office, is provided in **Exhibit A**.

Applicants deposited the Express Mail package containing the US patent application directly with employees of the U.S. Post Office on April 11, 2005, under Express Mail Label No. EV667329735US. The Express Mail package was pre-addressed to: Mail Stop: PCT RO/US, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450. Please see attached **Exhibit B**.

Keim *et al.*

USSN: 10/531,159

PETITION TO CORRECT FILING DATE PURSUANT TO C.F.R. §1.10(d)

On April 26, 2005, Applicants received the return postcard with the assigned serial number for the US patent application. On the return postcard, the accorded US filing date was given as April 12, 2005. Please see **Exhibit C**.

Upon close inspection, Applicants discovered that the U.S. Post Office had written the date-in on the Express Mail receipt as April 12, 2005, see attached **Exhibit B**. Further investigation, including interviews with all persons involved in handling the Express Mail package, and discussions with the US Post Office, revealed that the US Post Office had made a mistake as to filling in the “date accepted” field of the Express Mail receipt. Based on the statements of the people involved, and the time and date entries in the US Post Office Express Mail tracking system, the Express Mail package must have been deposited directly with employees on April 11, 2005. See sworn affidavits of Robert D. Atkins, Maritza O’Neill, William Bilyk and John Mitchell, and US Post Office tracking record of subject Express Mail package, attached hereto as **Exhibit D**.

The US Post Office has confirmed and acknowledged in writing that “this mailing was dropped off at our Main Post Office on April 11, 2005, not April 12, as indicated on the Express Mail Label”, see attached **Exhibit E**.

This petition is being filed as promptly as the circumstances and gathering of information would allow. For all of the foregoing reasons and based on the supporting documentation, Applicants respectfully request the Commissioner to grant this petition to accord U.S. Patent Application No. 10/531,159 a filing date of **April 11, 2005**.

Keim *et al.*

USSN: 10/531,159

PETITION TO CORRECT FILING DATE PURSUANT TO C.F.R. §1.10(d)

The Commissioner is hereby authorized to charge the \$130 petition fee required under 37 C.F.R. 1.17(h), as well as any additional fees due, or to credit any overpayments to Deposit Account No. 17-0055.

Respectfully submitted,

**QUARLES & BRADY STREICH LANG LLP**

June 9, 2005

By: Robert D. Atkins  
Robert D. Atkins  
Reg. No. 34,288

Attorney Docket No. 112624.00029

**Address all correspondence to:**

Robert D. Atkins

Quarles & Brady Streich Lang LLP

One Renaissance Square

Two North Central Avenue

Phoenix, AZ 85004

Telephone: 602-229-5311

Facsimile: 602-229-5690

Email: [rda@quarles.com](mailto:rda@quarles.com)

# **EXHIBIT A**

**EXPRESS MAIL CERTIFICATE: EV667329735US**

I hereby certify that this correspondence listed below is being deposited with the United States Postal Service on the date set forth below as Express Mail in an envelope addressed to: Mail Stop PCT RO/US, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Signature  
and Deposit: April 11, 2005

By:

  
(Signature of person depositing mail)

MARITZA O'NEILL

**CERTIFICATE OF MAILING PURSUANT TO 37 C.F.R. 1.10**

Applicant : Paul S. Keim *et al.*  
Serial No. : To be assigned  
Date of Filing : April 11, 2005  
Title : *MOLECULAR SIGNATURE AND ASSAY FOR FLUOROQUINOLINE  
RESISTANCE IN BACILLUS ANTHRACIS*  
Art Unit : To be assigned  
Examiner : To be assigned  
Docket No. : 112624.00029

**Mail Stop: PCT RO/US**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

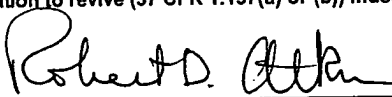
**Type of Filing:**

- 1) Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371 (2 pages) (in duplicate)
- 2) Preliminary Amendment (3 pages)
- 3) Application Data Sheet (3 pages)
- 4) Executed Declaration (4 pages)
- 5) Executed Power of Attorney (4)
- 6) Assignments (4), plus Recordation Form Cover Sheet
- 7) Verification Statement (1)
- 8) Paper copy of Sequence Listing (28 pages)
- 9) Diskette with copy of Sequence Listing
- 10) Return postcard

<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER <b>112624.00029</b> U.S. APPLICATION NO. (If known, see 37 CFR 1.5) To be assigned
INTERNATIONAL APPLICATION NO. <b>PCT/US2003/032887</b>	INTERNATIONAL FILING DATE <b>14 October 2003</b>	PRIORITY DATE CLAIMED <b>11 October 2002</b>
TITLE OF INVENTION <b>MOLECULAR SIGNATURE AND ASSAY FOR FLUOROQUINOLINE RESISTANCE IN BACILLUS ANTHRACIS</b>		
APPLICANT(S) FOR DO/EO/US <b>Paul S. Keim, Talima Pearson, Lance Price, and Joseph D. Busch</b>		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371. 2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371. 3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input checked="" type="checkbox"/> The US has been elected (Article 31). 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input checked="" type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input checked="" type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). Items 11 to 20 below concern document(s) or information included: 11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input checked="" type="checkbox"/> A preliminary amendment. 14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. 15. <input type="checkbox"/> A substitute specification. 16. <input checked="" type="checkbox"/> A power of attorney and/or change of address letter. 17. <input checked="" type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825. 18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). 20. <input checked="" type="checkbox"/> Other items or information: <b>Verification Statement and Return postcard.</b>		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

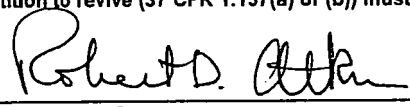
U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO. PCT/US2003/032887		ATTORNEY'S DOCKET NUMBER 112624.00029		
To be assigned						
The following fees have been submitted				<b>CALCULATIONS      PTO USE ONLY</b>		
21. <input checked="" type="checkbox"/> Basic national fee..... \$300				\$ 300.00		
22. <input checked="" type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4)..... \$100 All other situations..... \$200				\$ 200.00		
23. <input checked="" type="checkbox"/> Search fee Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100 International Search Report prepared and provided to the Office..... \$400 All other situations..... \$500				\$ 100.00		
<b>TOTAL OF 21, 22 and 23 =</b>				<b>\$ 600.00</b>		
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.						
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE			
- 100 =	/50 =		x \$250	\$ 0.00		
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$ 0.00		
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE			
Total claims	22 - 20 =	2	x \$ 50	\$ 100.00		
Independent claims	3 - 3 =	0	x \$200	\$ 0.00		
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ \$360	\$ 0.00	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$ 700.00</b>		
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.				350.00		
<b>SUBTOTAL =</b>				<b>\$ 350.00</b>		
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$ 0.00		
<b>TOTAL NATIONAL FEE =</b>				<b>\$ 350</b>		
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$ 40.00		
<b>TOTAL FEES ENCLOSED =</b>				<b>\$ 390.00</b>		
				Amount to be refunded:	\$	
				Amount to be charged:	\$ 390.00	
<p>a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.</p> <p>b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>17-0055</u> in the amount of \$ <u>390.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>17-0055</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>						
<p><b>NOTE:</b> Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.</p>						
<p>SEND ALL CORRESPONDENCE TO:</p> <p>Robert D. Atkins QUARLES &amp; BRADY STREICH LANG LLP One Renaissance Square Two North Central Avenue Phoenix, AZ 85004</p>						
				 SIGNATURE Robert D. Atkins NAME 34,288 REGISTRATION NUMBER		

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<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER 112624.00029
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TITLE OF INVENTION MOLECULAR SIGNATURE AND ASSAY FOR FLUOROQUINOLINE RESISTANCE IN BACILLUS ANTHRACIS		
APPLICANT(S) FOR DO/EO/US Paul S. Keim, Talima Pearson, Lance Price, and Joseph D. Busch		
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U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <b>To be assigned</b>		INTERNATIONAL APPLICATION NO. <b>PCT/US2003/032887</b>		ATTORNEY'S DOCKET NUMBER <b>112624.00029</b>	
The following fees have been submitted				<b>CALCULATIONS</b>	<b>PTO USE ONLY</b>
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22. <input checked="" type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4)..... \$100 All other situations..... \$200				\$ 200.00	
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<b>TOTAL OF 21, 22 and 23 =</b>				<b>\$ 600.00</b>	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
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- 100 =	/50 =		x \$250	\$ 0.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$ 0.00	
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<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$ 700.00</b>	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.				350.00	
<b>SUBTOTAL =</b>				<b>\$ 350.00</b>	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$ 0.00	
<b>TOTAL NATIONAL FEE =</b>				<b>\$ 350</b>	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$ 40.00	
<b>TOTAL FEES ENCLOSED =</b>				<b>\$ 390.00</b>	
				Amount to be refunded:	\$
				Amount to be charged:	\$ 390.00
<p>a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.</p> <p>b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>17-0055</u> in the amount of \$ <u>390.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>17-0055</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>					
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<p>SEND ALL CORRESPONDENCE TO:</p> <p>Robert D. Atkins QUARLES &amp; BRADY STREICH LANG LLP One Renaissance Square Two North Central Avenue Phoenix, AZ 85004</p>			<p style="text-align:right;"> _____ SIGNATURE Robert D. Atkins _____ NAME 34,288 _____ REGISTRATION NUMBER</p>		

# **EXHIBIT B**



EV 667329735 US



UNITED STATES POSTAL SERVICE®

Customer Copy  
Label 11-F, April 2004

Post Office To Addressee

## ORIGIN (POSTAL SERVICE USE ONLY)

PO ZIP Code 85034	Day of Delivery <input type="checkbox"/> Next <input checked="" type="checkbox"/> 2nd <input type="checkbox"/> 2nd Del. Day	Postage \$ 17.85
Date Accepted 04/12/05 Mo. Day Year	Scheduled Date of Delivery Month 4 Day 14	Return Receipt Fee \$
Time Accepted 1945 <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Scheduled Time of Delivery <input checked="" type="checkbox"/> Noon <input type="checkbox"/> 3 PM	COD Fee \$
Flat Rate <input type="checkbox"/> or Weight 11.7 lbs.	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Insurance Fee \$
	Int'l Alpha Country Code	Total Postage & Fees \$ 13.65
		Acceptance Emp. Initials e

## DELIVERY (POSTAL USE ONLY)

Delivery Attempt	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Mo. Day		
Delivery Attempt	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Mo. Day		
Delivery Date	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Mo. Day		
<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Mail Only) Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.		
<input type="checkbox"/> NO DELIVERY <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday		

## CUSTOMER USE ONLY

## METHOD OF PAYMENT:

Express Mail Corporate Acct. No.

Federal Agency Acct. No. or  
Postal Service Acct. No.

## FROM: (PLEASE PRINT)

PHONE ( )

CHARLES & BRADY STREICH LANG  
2 N CENTRAL AVE FL 3  
RENAISSANCE ONE  
PHOENIX AZ 85004-4458

RATKINS 112624.00029

## TO: (PLEASE PRINT)

PHONE ( )

COMMISSIONER OF PATENTS  
PO BOX 1450  
ALEXANDRIA VA 22313-1450

MAIL STOP: PCT RO/US

FOR PICKUP OR TRACKING: Visit [www.usps.com](http://www.usps.com) or Call 1-800-222-1811

# **EXHIBIT C**

JC10 Rec'd PCT/PTO 12 APR 2005

10/531159

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

The following documents have been received:

EV667329735US - Certificate of Mailing; Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Submission under 35 U.S.C. 371 (2 pages); Preliminary Amendment (3 pages); Applicant Data Sheet (3 pages); Declaration (4 pages); Power of Attorney (4); Assignments (4), along with Recordation Form Cover Sheet; Verification Statement; Sequence Listing (28 pages); Diskette with copy of Sequence Listing; and return postcard.

Applicant :	Keim, Paul S.; Pearson, Talima; Price, Lance B.; B
Serial No. :	Pending
Patent No. :	N/A
Title:	Molecular Signatures and Assay for Fluoroquinolone Resistance in Bacillus Anthracis
Date:	4/11/2005
Our File:	112624.00029
Attorney:	RATKINS
Secretary:	MONEILL

QBSL IP Dept.

Received on 4/26/05

Docket for Copy to MKE



# **EXHIBIT D**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Paul S. Keim *et al.*

Application No.: 10/531,159

Title: *MOLECULAR SIGNATURES AND ASSAY FOR FLUOROQUINOLINE  
RESISTANCE IN BACILLUS ANTHRACIS*

---

AFFIDAVIT OF ROBERT D. ATKINS

---

I, ROBERT D. ATKINS, hereby and declare as follows:

1. The statements in this affidavit are true and based on my personal knowledge.
2. I am over the age of 21.
3. I am a Patent Attorney with the law firm of Quarles & Brady Streich Lang LLP located in Phoenix, Arizona.
4. On April 11, 2005, I reviewed and signed the transmittal documents required for filing of the above patent application with the U.S. Patent and Trademark Office.
5. On April 11, 2005, I personally transferred custody of the patent application and transmittal documents to Maritza O'Neill for filing with the U.S. Patent and Trademark Office.

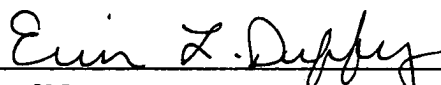
Signed under penalty of perjury this 23 day of May, 2005.

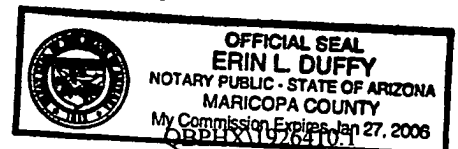
  
\_\_\_\_\_  
ROBERT D. ATKINS

STATE OF ARIZONA     )  
COUNTY OF MARICOPA    )

I, Erin Duffy, a Notary Public in and for the County and State aforesaid, do hereby certify that ROBERT D. ATKINS, whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the instrument as his free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and notarial seal this 23rd day of MAY, 2005.

  
\_\_\_\_\_  
Signature of Notary



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Paul S. Keim *et al.*

Application No.: 10/531,159

Title: *MOLECULAR SIGNATURES AND ASSAY FOR FLUOROQUINOLINE  
RESISTANCE IN BACILLUS ANTHRACIS*

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**AFFIDAVIT OF WILLIAM BILYK**

---

I, WILLIAM BILYK, hereby declare as follows:

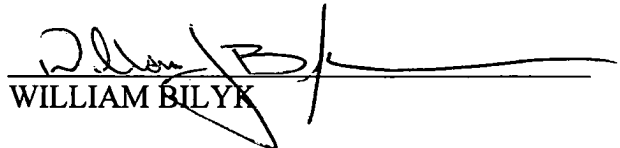
1. The statements in this affidavit are true and based on my personal knowledge.
2. I am over the age of 21.
3. I have been employed by Intellequick Delivery, located in Phoenix, Arizona, for approximately 1-1/2 years.
4. I am currently assigned full-time to provide mail room services for Quarles & Brady Streich Lang LLP, Two North Central Avenue, Phoenix, Arizona.
5. I am responsible for processing and overseeing deliveries and pickups of all mail and other courier services for Quarles & Brady, including all Express Mail packages for delivery to the U.S. Post Office.
6. I was on duty performing my routine job functions on April 11 and April 12, 2005.
7. It is my practice to place all Express Mail package given to me in a designated bin which resides in my work area under my control and custody for pickup by an Intelliquick courier.
8. There is one scheduled mail pickup by an Intelliquick courier between 6:00 p.m. and 6:30 p.m. each business day.
9. On April 11, 2005, all Express Mail packages in my custody were picked up by John Mitchell between 6:00 p.m. and 6:30 p.m. Arizona time for delivery to the U.S. Post Office located at 4949 E. Van Buren, Phoenix, Arizona 85026.
10. On April 12, 2005, all Express Mail packages in my custody were picked up by John Mitchell between 6:00 p.m. and 6:30 p.m. Arizona time for delivery to the U.S. Post Office located at 4949 E. Van Buren, Phoenix, Arizona 85026.



Keim et al.  
USSN: 10/531,159  
AFFIDAVIT OF WILLIAM BILYK

11. Other than noted above, there were no pickups of Express Mail packages in my custody from the above business offices of Quarles & Brady for delivery to the U.S. Post Office on April 11 or April 12, 2005.

Signed under penalty of perjury this 23~~rd~~ day of May, 2005.

  
WILLIAM BILYK

STATE OF ARIZONA     )  
COUNTY OF MARICOPA    )

I, Erin Duffy, a Notary Public in and for the County and State aforesaid, do hereby certify that WILLIAM BILYK, whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the instrument as his free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and notarial seal this 23<sup>rd</sup> day of May, 2005.

  
Signature of Notary



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant:** Paul S. Keim *et al.*

**Application No.:** 10/531,159

**Title:** *MOLECULAR SIGNATURES AND ASSAY FOR FLUOROQUINOLINE  
RESISTANCE IN BACILLUS ANTHRACIS*

---

**AFFIDAVIT OF MARITZA O'NEILL**

---

I, MARITZA O'NEILL, hereby and declare as follows:

1. The statements in this affidavit are true and based on my personal knowledge.
2. I am over the age of 21.
3. I am a Patent Assistant employed by Quarles & Brady Streich Lang LLP located at Two North Central Avenue in Phoenix, Arizona.
4. As part of my duties, I prepare and process documents required for filing patent applications with the U.S. Patent and Trademark Office (USPTO). I am responsible for preparing and processing all patent applications which are filed by Quarles & Brady from its Phoenix offices. It is my practice to file all patent applications with the USPTO using Express Mail.
5. On April 11, 2005, I received the above identified patent application from Robert Atkins, with his instructions to file the patent application with the USPTO on that same day. On April 11, 2005, I prepared transmittal documents required for filing the above patent application with the USPTO. One of the transmittal documents that I prepared was a Certification of Mailing under 37 C.F.R. 1.10. The Certificate of Mailing includes the statement that "I hereby certify that this correspondence listed below is being deposited with the United States Postal Service on the date set forth below as Express Mail in an envelope addressed to: Mail Stop PCT RO/US, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450". I signed the Certificate of Mailing on April 11, 2005 and placed the above patent application and transmittal documents, including the Certificate of Mailing in an Express Mail envelope having Express Mail Label No. EV667329735US, see attached Certificate of Mailing, dated April 11, 2005 and bearing my signature. The addressee on the Express Mail envelope was the USPTO.

6. On April 11, 2005, I personally sealed the Express Mail package containing the above patent application and transmittal documents, including the Certificate of Mailing dated April 11, 2005 and bearing my signature.

7. On April 11, 2005, before 4:30 p.m. Arizona time, I personally delivered the above Express Mail package containing the above patent application directly into the custody of William Bilyk of Intelliquick with instructions to deliver the Express Mail package to the U.S. Post Office on the same day.

8. Mr. Bilyk acknowledged receipt of the above Express Mail package and placed the Express Mail package in the bin designed for same day delivery to the U.S. Post Office.

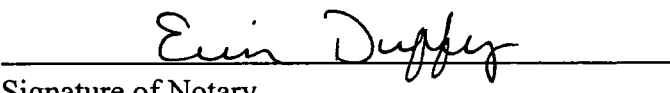
Signed under penalty of perjury this 23 day of May, 2005.

  
MARITZA O'NEILL

STATE OF ARIZONA       )  
COUNTY OF MARICOPA   )

I, Erin Duffy, a Notary Public in and for the County and State aforesaid, do hereby certify that MARITZA O'NEILL, whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the instrument as his free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and notarial seal this 23rd day of MAY, 2005.

  
Signature of Notary



**EXPRESS MAIL CERTIFICATE: EV667329735US**

I hereby certify that this correspondence listed below is being deposited with the United States Postal Service on the date set forth below as Express Mail in an envelope addressed to: Mail Stop PCT RO/US, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Signature  
and Deposit: April 11, 2005

By:

(Signature of person depositing mail)

MARITZA O'NEILL

**CERTIFICATE OF MAILING PURSUANT TO 37 C.F.R. 1.10**

Applicant : Paul S. Keim *et al.*  
Serial No. : To be assigned  
Date of Filing : April 11, 2005  
Title : *MOLECULAR SIGNATURE AND ASSAY FOR FLUOROQUINOLINE  
RESISTANCE IN BACILLUS ANTHRACIS*  
Art Unit : To be assigned  
Examiner : To be assigned  
Docket No. : 112624.00029

**Mail Stop: PCT RO/US**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Type of Filing:**

- 1) Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371 (2 pages) (in duplicate)
- 2) Preliminary Amendment (3 pages)
- 3) Application Data Sheet (3 pages)
- 4) Executed Declaration (4 pages)
- 5) Executed Power of Attorney (4)
- 6) Assignments (4), plus Recordation Form Cover Sheet
- 7) Verification Statement (1)
- 8) Paper copy of Sequence Listing (28 pages)
- 9) Diskette with copy of Sequence Listing
- 10) Return postcard

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Paul S. Keim *et al.*

Application No.: 10/531,159

Title: *MOLECULAR SIGNATURES AND ASSAY FOR FLUOROQUINOLINE  
RESISTANCE IN BACILLUS ANTHRACIS*

---

**AFFIDAVIT OF JOHN MITCHELL**

---

I, JOHN MITCHELL, hereby certify and declare as follows:

1. The statements in this affidavit are true and based on my personal knowledge.
2. I am over the age of 21.
3. I have been an employee of Intellequick Delivery, located in Phoenix, Arizona, for approximately 1 year.
4. My duties include the pickup of all mail, including Express Mail packages, from various businesses each business day and deliver all such mail to the U.S. Post Office on the same business day.
5. My route includes the pickup of all mail, including Express Mail packages, from the business offices of Quarles & Brady Streich Lang LLP located at Two North Central Avenue, Phoenix, Arizona.
6. My scheduled pick up at the above business offices of Quarles & Brady occurs between 6 p.m. and 6:30 p.m. each business day.
7. It is my practice to maintain a daily manifest of all pickups and deliveries, including times and locations.
8. On April 11, 2005, I personally picked up all mail, including Express Mail packages from the designated bin maintained under the custody of William Bilyk, at the above business offices of Quarles & Brady at 6:07 p.m. Arizona time, as shown on the attached copy of my manifest for April 11, 2005.
9. On April 11, 2005, I personally delivered all mail, including Express Mail packages, which I had picked up from Quarles & Brady, directly to an employee of the U.S. Post Office located at 4949 E. Van Buren, Phoenix, Arizona 85026. The delivery to the above U.S. Post

Office occurred at 6:56 p.m. Arizona time on that day, as shown on the attached copy of my manifest for April 11, 2005.

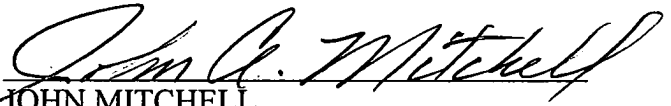
10. On April 12, 2005, I personally picked up all mail, including Express Mail packages from the designated bin maintained under the custody of William Bilyk, at the above business offices of Quarles & Brady at 6:08 p.m. Arizona time, as shown on the attached copy of my manifest for April 12, 2005.

11. On April 12, 2005, I personally delivered all mail, including Express Mail packages, which I had picked up from Quarles & Brady, directly to an employee of the U.S. Post Office located at 4949 E. Van Buren, Phoenix, Arizona 85026. The delivery to the above U.S. Post Office occurred at 6:58 p.m. Arizona time on that day, as shown on the attached copy of my manifest for April 12, 2005.

12. The above noted entries in my manifest were made by my hand on April 11 and April 12, 2005.

13. On April 11 and April 12, 2005, except as noted above, I made no pickups of mail, including Express Mail packages, from the above business offices of Quarles & Brady.

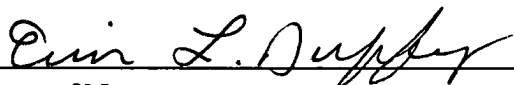
Signed under penalty of perjury this 23RD day of May, 2005.

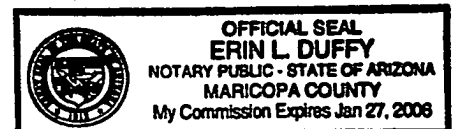
  
JOHN MITCHELL

STATE OF ARIZONA       )  
COUNTY OF MARICOPA   )

I, Erin Duffy, a Notary Public in and for the County and State aforesaid, do hereby certify that JOHN MITCHELL, whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the instrument as his free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and notarial seal this 23<sup>rd</sup> day of May, 2005.

  
Signature of Notary



# INVOICE

602-32

Driver: INTTC 17821 IC#: 164054 Date: 4.11.05 Page 1 of 1

Reference #	Name - address - contact	Time of:	Pickup	Waiting:	Collect \$:	Rate:	Remarks:
1 30425711	<u>3416 N. 24th</u>	<u>9:38</u>	<input checked="" type="checkbox"/> P <input type="checkbox"/> D	<input type="checkbox"/> On P/U <input type="checkbox"/> On Del			
Time due:	<u>DELIVERED</u>						
2 3043017	<u>2390 E. SMITH 140</u>	<u>10:15</u>	<input checked="" type="checkbox"/> P <input type="checkbox"/> D	<input type="checkbox"/> On P/U <input type="checkbox"/> On Del			
Time due:	<u>DELIVERED</u>						
3 3042918	<u>2390 E. SMITH 140</u>	<u>10:18</u>	<input checked="" type="checkbox"/> P <input type="checkbox"/> D	<input type="checkbox"/> On P/U <input type="checkbox"/> On Del			
Time due:	<u>DELIVERED</u>						
4 3042973	<u>4350 E. PAUL</u>	<u>10:39</u>	<input checked="" type="checkbox"/> P <input type="checkbox"/> D	<input type="checkbox"/> On P/U <input type="checkbox"/> On Del			
Time due:	<u>DELIVERED</u>						
5 3041042	<u>4041 N. CNT DICK</u>	<u>10:58</u>	<input checked="" type="checkbox"/> P <input type="checkbox"/> D	<input type="checkbox"/> On P/U <input type="checkbox"/> On Del			
Time due:	<u>DELIVERED</u>						
6 3043021	<u>5222 W. CLER</u>	<u>12:19</u>	<input checked="" type="checkbox"/> P <input type="checkbox"/> D	<input type="checkbox"/> On P/U <input type="checkbox"/> On Del			
Time due:	<u>DELIVERED</u>						
7 3043006	<u>5222 W. CLER</u>	<u>12:19</u>	<input checked="" type="checkbox"/> P <input type="checkbox"/> D	<input type="checkbox"/> On P/U <input type="checkbox"/> On Del			
Time due:	<u>DELIVERED</u>						
8 3043006	<u>5222 W. CLER</u>	<u>12:19</u>	<input checked="" type="checkbox"/> P <input type="checkbox"/> D	<input type="checkbox"/> On P/U <input type="checkbox"/> On Del			
Time due:	<u>DELIVERED</u>						
9 3043006	<u>5222 W. CLER</u>	<u>12:19</u>	<input checked="" type="checkbox"/> P <input type="checkbox"/> D	<input type="checkbox"/> On P/U <input type="checkbox"/> On Del			
Time due:	<u>DELIVERED</u>						

Claims of any kind must be made in writing within 14 days of delivery, or shall be deemed waived by the shipper.

# INVOICE

DISPATCH

602-323-4000

Driver: J. MITCHELL IC#: 164054 Date: 4-11-05 Page 2 of 2

Name - address - contact		Time of:	Waiting:	Collect \$:	Rate:	Remarks:
Reference #	Pickup	P	<input type="checkbox"/> On P/U			
1 304389	4101 Pk & Van 2025 N. 35th St. 260	11:59	D	<input type="checkbox"/> On Del	8.00	
Time due:	Delivery	Rec'd by:				
16:51	D. DYER'S HENDRICK 3043 N. CNT.	2:05	Print Last Name	Howe		
Reference #	Pickup	P	<input type="checkbox"/> On P/U			
2 304448	P. VALLI RADIAT C14751 1301 7th Ave. 400	7:46	D	<input type="checkbox"/> On Del	7.57	
Time due:	Delivery	Rec'd by:				
16:00	D. A. IOK TST 11:32	Print Last Name	O. DEPOSIT			
Reference #	Pickup	P	<input type="checkbox"/> On P/U			
3 304383	P. COPPLE BIEHAN #209 2550 N. CNT. 1800	2:19	D	<input type="checkbox"/> On Del	8.12	
Time due:	Delivery	Rec'd by:				
16:00	D. IOK TST 2:27	Print Last Name	D. MAN			
Reference #	Pickup	P	<input type="checkbox"/> On P/U			
4 304090	P. RATTOR VEDER #643 316 E. FLOWER ST.		D	<input type="checkbox"/> On Del	6.09	
Time due:	Delivery	Rec'd by:				
16:00	D. IOK TST 16:50	Print Last Name	O. DEPOSIT			
Reference #	Pickup	P	<input type="checkbox"/> On P/U			
5 304312	P. IOK TST 2398 E. CHILK 1ST FL 2:30	2:30	D	<input type="checkbox"/> On Del	8.12	
Time due:	Delivery	Rec'd by:				
16:20	D. GENEICH PHARM. 333 E. VIRGILIA 12	3:03	Print Last Name	M. H.		
Reference #	Pickup	P	<input type="checkbox"/> On P/U			
6 304420	P. IOK TST 6001 N. 24th St B	7:14	D	<input type="checkbox"/> On Del	11.90	
Time due:	Delivery	Rec'd by:				
16:14	D. IOK TST 13:12	Print Last Name	W. S. Williams			
Reference #	Pickup	P	<input type="checkbox"/> On P/U			
7 304441	P. COLE CO. 2555 E. CHILK 400	4:00	D	<input type="checkbox"/> On Del	11.37	
Time due:	Delivery	Rec'd by:				
16:51	D. RIKARCS 4:12	Print Last Name	HERREIRA			
Reference #	Pickup	P	<input type="checkbox"/> On P/U			
8 304448	P. CHI TE. 2415 E. CHILK 100	3:53	D	<input type="checkbox"/> On Del	13.14	
Time due:	Delivery	Rec'd by:				
16:50	D. DIAMOND STEEL 5103	Print Last Name	JIM RALSTON			
Reference #	Pickup	P	<input type="checkbox"/> On P/U			
9 304451	P. GLOVER VANDOTT 2025 N. 35th St 260	4:20	D	<input type="checkbox"/> On Del	20.54	
Time due:	Delivery	Rec'd by:				
16:41	D. SUPERIOR CHILK 4:54	Print Last Name	FILED A DEL			

Claims of any kind must be made in writing within 14 days of delivery, or shall be deemed waived by the shipper.



# INVOICE

**DISPATCH**

602-323-4000

Driver: J. MITCHELL IC#: 164054 Date: 1.11.05 Page 3 of

Name - address - contact		Time of:	Waiting:	Collect \$:	Rate:	Remarks:
Reference #	Pickup	P	<input type="checkbox"/> On P/U			
30447401	SUPERIOR CT.	5:07	D	<input type="checkbox"/> On Del	13.40	
Time due:	Delivery	Rec'd by:	BILVK			
17:51	5:30	Print Last Name	BILVK			
Reference #	Pickup	P	<input type="checkbox"/> On P/U			
23044740	4:40	D	<input type="checkbox"/> On Del	13.40		
Time due:	Delivery	Rec'd by:				
17:25	4:50	Print Last Name	FILED DEL			
Reference #	Pickup	P	<input type="checkbox"/> On P/U			
3044659	4:54	D	<input type="checkbox"/> On Del	6.85		
Time due:	Delivery	Rec'd by:				
12:00		Print Last Name				
Reference #	Pickup	P	<input type="checkbox"/> On P/U			
3044804	4:40	D	<input type="checkbox"/> On Del	13.40		
Time due:	Delivery	Rec'd by:				
17:40	6:07	Print Last Name	FILED			
Reference #	Pickup	P	<input type="checkbox"/> On P/U			
53044812	4:40	D	<input type="checkbox"/> On Del	9.24		
Time due:	Delivery	Rec'd by:				
18:50	6:05	Print Last Name	FILED			
Reference #	Pickup	P	<input type="checkbox"/> On P/U			
63041210	6:07	D	<input type="checkbox"/> On Del	10.08		
Time due:	Delivery	Rec'd by:				
19:00	6:56	Print Last Name	DELIVERED			
Reference #	Pickup	P	<input type="checkbox"/> On P/U			
73040947	6:15	D	<input type="checkbox"/> On Del	18.28		
Time due:	Delivery	Rec'd by:				
18:30		Print Last Name	OFFERED			
Reference #	Pickup	P	<input type="checkbox"/> On P/U			
83040844	4:15	D	<input type="checkbox"/> On Del	14.68		
Time due:	Delivery	Rec'd by:				
19:00	6:56	Print Last Name	DELIVERED			
Reference #	Pickup	P	<input type="checkbox"/> On P/U			
93044862	6:07	D	<input type="checkbox"/> On Del	16.03		
Time due:	Delivery	Rec'd by:				
18:30	6:30	Print Last Name	DELIVERED			

Claims of any kind must be made in writing within 14 days of delivery, or shall be deemed waived by the shipper.

# INVOICE

DISPATCH  
602-323-4000

Driver: J. MITCHELL IC#: 164054 Date: 4.12.05 Page 1 of

Name - address - contact		Time of:	Waiting:	Collect \$:	Rate:	Remarks:
Reference #	Pickup	P	<input type="checkbox"/> On P/U			
1 3044051	4.11.05	D	<input type="checkbox"/> On Del	4.40		
Time due:	Delivery	Rec'd by:				
12:00	10:11:00	Print Last Name				
Reference #	Pickup	P	<input type="checkbox"/> On P/U			
2 304592	7.11.05	D	<input type="checkbox"/> On Del	8.61		
Time due:	Delivery	Rec'd by:				
14:00	1:30	Print Last Name				
Reference #	Pickup	P	<input type="checkbox"/> On P/U			
3 304593	8.10.05	D	<input type="checkbox"/> On Del	6.00		
Time due:	Delivery	Rec'd by:				
17:00	8:10:00	Print Last Name				
Reference #	Pickup	P	<input type="checkbox"/> On P/U			
4 3045107		D	<input type="checkbox"/> On Del	7.31		
Time due:	Delivery	Rec'd by:				
10:00	17:30	Print Last Name				
Reference #	Pickup	P	<input type="checkbox"/> On P/U			
5 3045092		D	<input type="checkbox"/> On Del	7.31		
Time due:	Delivery	Rec'd by:				
9:30	12:30	Print Last Name				
Reference #	Pickup	P	<input type="checkbox"/> On P/U			
6 3045111	9.10.05	D	<input type="checkbox"/> On Del	7.29		
Time due:	Delivery	Rec'd by:				
10:00	9:10:07	Print Last Name				
Reference #	Pickup	P	<input type="checkbox"/> On P/U			
7 304567	9.45.05	D	<input type="checkbox"/> On Del	10.15.01		
Time due:	Delivery	Rec'd by:				
10:30	9:55	Print Last Name				
Reference #	Pickup	P	<input type="checkbox"/> On P/U			
8 3045092	9.45.05	D	<input type="checkbox"/> On Del	7.31		
Time due:	Delivery	Rec'd by:				
11:30	11:03	Print Last Name				
Reference #	Pickup	P	<input type="checkbox"/> On P/U			
9 3045123	9.24.05	D	<input type="checkbox"/> On Del	8.80		
Time due:	Delivery	Rec'd by:				
9:35	9:31	Print Last Name				

Claims of any kind must be made in writing within 14 days of delivery, or shall be deemed waived by the shipper.

# INVOICE

DISPATCH  
602-323-4000

Driver: J. MITCHELL IC#: 104054 Date: 4-12-05 Page 2 of 2

Name - address - contact		Time of:	Waiting:	Collect \$:	Rate:	Remarks:
Reference #	Pickup	P	<input type="checkbox"/> On P/U			
3044340	BRK 1	D	<input type="checkbox"/> On Del			
Time due:	Delivery	Rec'd by:				
11:00	11:40	Print Last Name	HECKTOR			
Reference #	Pickup	P	<input type="checkbox"/> On P/U			
204690	PENDAMIR	D	<input type="checkbox"/> On Del			
Time due:	Delivery	Rec'd by:				
12:15	12:40	Print Last Name	DELTMEKEN			
Reference #	Pickup	P	<input type="checkbox"/> On P/U			
304690	PENDAMIR	D	<input type="checkbox"/> On Del			
Time due:	Delivery	Rec'd by:				
14:10	14:32	Print Last Name	WOODS			
Reference #	Pickup	P	<input type="checkbox"/> On P/U			
404504	BRK 1	D	<input type="checkbox"/> On Del			
Time due:	Delivery	Rec'd by:				
12:30	12:30	Print Last Name	DELIVERED			
Reference #	Pickup	P	<input type="checkbox"/> On P/U			
504004	BRK 1	D	<input type="checkbox"/> On Del			
Time due:	Delivery	Rec'd by:				
13:00	12:30	Print Last Name	O. P/U			
Reference #	Pickup	P	<input type="checkbox"/> On P/U			
604117	SEC. OF ST.	D	<input type="checkbox"/> On Del			
Time due:	Delivery	Rec'd by:				
13:09	14:07	Print Last Name	ISSUED			
Reference #	Pickup	P	<input type="checkbox"/> On P/U			
304210	SEC. OF ST.	D	<input type="checkbox"/> On Del			
Time due:	Delivery	Rec'd by:				
15:10	12:25	Print Last Name	HECTOR			
Reference #	Pickup	P	<input type="checkbox"/> On P/U			
804004	BRK 1	D	<input type="checkbox"/> On Del			
Time due:	Delivery	Rec'd by:				
14:00	12:52	Print Last Name	TRAVELER			
Reference #	Pickup	P	<input type="checkbox"/> On P/U			
904130	LEGAL VIDEO SPEC.	D	<input type="checkbox"/> On Del			
Time due:	Delivery	Rec'd by:				
13:30	12:52	Print Last Name	BRK 1			

Claims of any kind must be made in writing within 14 days of delivery, or shall be deemed waived by the shipper.

# INVOICE

**DISPATCH**  
602-323-4000

Driver: J. MITCHELL IC#: 16 4654 Date: 11.12.85 Page 1 of 1

Reference #	Name - address - contact	Time of:	Pickup	Waiting	Collect \$:	Rate:	Remarks:
1 3041101	P <u>PHILIPS DODGE</u> 1 N. CAST		P <input type="checkbox"/> On P/U D <input type="checkbox"/> On Del				
Time due:	D <u>5:40</u>	Delivery					Rec'd by: <u>Thidickamp</u> Print Last Name <u>Thidickamp</u>
15:36		2:57					
2 3041101	P <u>5:40</u>		P <input type="checkbox"/> On P/U D <input type="checkbox"/> On Del				
Time due:	D <u>11:00</u>	Delivery					Rec'd by: <u>DEC.</u> Print Last Name <u>POSTED</u>
13:07		7:45					
3 3041101	P <u>11:00</u>		P <input type="checkbox"/> On P/U D <input type="checkbox"/> On Del				
Time due:	D <u>5:40</u>	Delivery					Rec'd by: <u>HEAT</u> Print Last Name <u>HEAT</u>
14:08		7:54					
4 3041101	P <u>5:40</u>		P <input type="checkbox"/> On P/U D <input type="checkbox"/> On Del				
Time due:	D <u>5:40</u>	Delivery					Rec'd by: <u>DELIVERED</u> Print Last Name <u>DELIVERED</u>
15:06		2:30					
5 3041101	P <u>BR-1</u>		P <input type="checkbox"/> On P/U D <input type="checkbox"/> On Del				
Time due:	D <u>5:40</u>	Delivery					Rec'd by: <u>OR/U</u> Print Last Name <u>OR/U</u>
12:00		4:30					
6 3041101	P <u>5:40</u>		P <input type="checkbox"/> On P/U D <input type="checkbox"/> On Del				
Time due:	D <u>BR-1</u>	Delivery					Rec'd by: <u>OR/U</u> Print Last Name <u>OR/U</u>
11:30		4:15					
7 3041101	P <u>5:40</u>		P <input type="checkbox"/> On P/U D <input type="checkbox"/> On Del				
Time due:	D <u>5:40</u>	Delivery					Rec'd by: <u>RECORDED</u> Print Last Name <u>RECORDED</u>
17:00		4:50					
8 3041101	P <u>5:40</u>		P <input type="checkbox"/> On P/U D <input type="checkbox"/> On Del				
Time due:	D <u>5:40</u>	Delivery					Rec'd by: <u>HECTOR</u> Print Last Name <u>HECTOR</u>
18:00		5:30					
9 3041101	P <u>5:40</u>		P <input type="checkbox"/> On P/U D <input type="checkbox"/> On Del				
Time due:	D <u>5:40</u>	Delivery					Rec'd by: <u>FILED</u> Print Last Name <u>FILED</u>
17:03		8:20					

Claims of any kind must be made in writing within 14 days of delivery, or shall be deemed waived by the shipper.

# INVOICE

# DISPATCH

602-323-4000

Driver: J MITCHELL IC#: 1611054 Date: 4-12-05 Page 4 of 4

Reference #	Name - address - contact	Time of:	Pickup	Waiting:	Collect \$:	Rate:	Remarks:
1 <u>30484101</u>	<u>SLIPPER 1012 CT</u>		P <input type="checkbox"/> On P/U				
		<u>5:20</u>	D <input type="checkbox"/> On Del				<u>10.94</u>
Time due:	<u>D 57W</u>						
<u>18:03</u>		<u>5:30</u>					Print Last Name <u>HECTOR</u>
2 <u>30484101</u>	<u>57W</u>		P <input type="checkbox"/> On P/U				
		<u>4:15</u>	D <input type="checkbox"/> On Del				<u>11.40</u>
Time due:	<u>D SEC. OF ST</u>						
<u>17:03</u>		<u>4:25</u>					Print Last Name <u>ISSUED</u>
3 <u>30484101</u>	<u>SEC. OF ST</u>		P <input type="checkbox"/> On P/U				
		<u>4:25</u>	D <input type="checkbox"/> On Del				<u>11.40</u>
Time due:	<u>D 57W</u>						
<u>18:04</u>		<u>5:30</u>					Print Last Name <u>HECTOR</u>
4 <u>304501101</u>	<u>57W</u>		P <input type="checkbox"/> On P/U				
		<u>6:20</u>	D <input type="checkbox"/> On Del				<u>14.62</u>
Time due:	<u>D 115PO</u>						
<u>19:00</u>		<u>6:52</u>					Print Last Name <u>DEL.</u>
5 <u>3045101</u>	<u>57W</u>		P <input type="checkbox"/> On P/U				
		<u>6:20</u>	D <input type="checkbox"/> On Del				<u>18.28</u>
Time due:	<u>D REDEP</u>						
<u>18:30</u>		<u>6:40</u>					Print Last Name <u>DEL.</u>
6 <u>3045101</u>	<u>57W</u>		P <input type="checkbox"/> On P/U				
		<u>6:08</u>	D <input type="checkbox"/> On Del				<u>10.08</u>
Time due:	<u>D 115PO</u>						
<u>19:00</u>		<u>6:58</u>					Print Last Name <u>DEL.</u>
7 <u>30484101</u>	<u>57W</u>		P <input type="checkbox"/> On P/U				
		<u>5:58</u>	D <input type="checkbox"/> On Del				<u>10.94</u>
Time due:	<u>D 115PO</u>						
<u>19:01</u>		<u>7:02</u>					Print Last Name <u>POSTED</u>
8 <u>30484101</u>	<u>115PO</u>		P <input type="checkbox"/> On P/U				
		<u>7:02</u>	D <input type="checkbox"/> On Del				<u>10.94</u>
Time due:	<u>D 57W</u>						
<u>10:00</u>							Print Last Name
9			P <input type="checkbox"/> On P/U				
			D <input type="checkbox"/> On Del				
Time due:	<u>D</u>						
							Print Last Name

Claims of any kind must be made in writing within 14 days of delivery, or shall be deemed waived by the shipper.



## Track & Confirm

### Shipment Details

You entered EV66 7329 735U S

Your item was delivered at 10:41 am on April 14, 2005 in ALEXANDRIA, VA 22313 to PATENT OFFICE. The item was signed for by S DYAR.

Here is what happened earlier:

- ARRIVAL AT UNIT, April 14, 2005, 7:41 am, DULLES, VA 20102
- ENROUTE, April 13, 2005, 10:51 pm, DULLES, VA 20102
- ENROUTE, April 12, 2005, 6:54 pm, SCOTTSDALE, AZ 85255
- ACCEPTANCE, April 12, 2005, 5:05 pm, PHOENIX, AZ 85026

### Notification Options

- ▶ Track & Confirm by email [What is this?](#) [Go >](#)
- ▶ Request Proof of Delivery [What is this?](#) [Go >](#)



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### Track & Confirm

Enter label number:

14

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# **EXHIBIT E**



May 27, 2005

Robert Atkins  
Quarles and Brady Streich Lang  
2 North Central Ave  
Phoenix, Arizona 85004-4458

Dear Mr. Atkins:

After further review of your express mail piece number EV667329735US I have determined that this mailing was dropped off at our Main Post Office on April 11, 2005 not April 12, 2005 as indicated by the Express Mail Label. This mail piece had a next day delivery service standard and should have reached its destination in Alexandria Virginia on April 12, 2005. I apologize for the delay. If you have any further questions please do not hesitate to contact me at 602-225-3993.

Sincerely,

A handwritten signature in cursive script that reads "Melanie Thomas".

Melanie Thomas  
Customer Relations Coordinator (acting)